REGISTERED No. T. 10. REGISTERED No. M. 463.

GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. I] THURSDAY, 5TH JANUARY 1950/21ST DHANU 1125. [No. 2

LA 4-3/50. NOTIFICATION.

The following Bills together with the Statements of Objects and Reasons are published as ordered by the Speaker, under Rule 25 of the Legislative Assembly Rules.

Assembly Office,
Trivandrum, 5th January 1950.

V. KRISHNAMOORTHI AIYAR,
Secretary to the Legislative Assembly.

BILLS.

1. The United State of Travancore and Cochin Board of Revenue Bill.
2. The United State of Travancore and Cochin Prevention of Corruption Bill.
3. The United State of Travancore and Cochin Public Service Commission Bill.
4. The Cochin Temple Entry Proclamation (Amendment) Bill.
5. The Drugs Control Bill.

THE UNITED STATE OF TRAVANCORE AND COCHIN BOARD OF REVENUE BILL.

Preamble.

Whereas it is expedient to constitute a Board of Revenue for the United State and to define the powers and functions of the Board of Revenue; it is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called The United State of Travancore and Cochin Board of Revenue Act.

(2) It extends to the whole of the United State.

(3) It shall come into force at once.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context:

(a) "Board" means the Board of Revenue constituted under this Act.

(b) "Member" means the member of the Board.

(c) "Notified" means notified by Government in the Gazette.

(d) "Prescribed" means prescribed by rules made by Government under this Act

Constitution of the Board of Revenue.

3. There shall be constituted for the United State a Board of Revenue consisting of one or more members as the Government may from time to time think fit to appoint.

Conditions of service of members of Board.

4. (1) When any member is, by reason of absence or otherwise, unable to perform the duties of the office, the Government may by notification, appoint any person to be, for the time being a member of the Board.

(2) The terms and conditions of service of members of the Board shall be such as may be prescribed.

(3) A person shall not be qualified for appointment as a member of the Board unless he has an aggregate service of three years as the Head of one of the major Departments with which the Board is concerned or as the Secretary to Government, or as Division Peishkar or in all these capacities.

Salaries and allowances.

5. There shall be paid to the members of the Board such salaries and allowances as the Government may from time to time determine.

Powers and functions of the Board.

6. The Board shall exercise all appellate or revisional powers exercisable by the Government or a Minister under the enactments mentioned in the first schedule or the rules passed thereunder and for this purpose all references in the said enactments or rules to the Government or the Minister shall be construed as references to the Board.

Powers of control and supervision of the Board.

7. (1) The Board shall be the administrative head of the departments mentioned in the second schedule and shall exercise general supervision over the departments mentioned in the third schedule.

(2) The Board shall exercise such other powers as Government may by notification in the Gazette confer on it.

Exercise of jurisdiction by one or more members of the Board.

8. The Board may, with the previous sanction of the Government, make rules for the exercise by one or more members of the Board of the powers and functions of the Board and all decisions made pursuant to such powers and functions shall be deemed to be the decisions of the Board.

Powers of revision of Government.

9. Government may at any time call for and examine the record of any case pending before, or disposed of by the Board, and may pass such order in reference thereto as Government think fit. Provided that no order affecting any question of right between private persons shall be passed under this Section unless the Government have given the parties interested an opportunity of being heard.

Review of orders.

10. The Board may either on its own motion or on the application of any party interested review any order passed by itself on the ground of mistake, mis-representation, fraud or error of procedure or any other sufficient reason and pass such orders in reference thereto as it thinks fit :

Provided that—

(a) No order shall be varied or reversed unless notice has been given to the parties interested to appear and be heard in support of such order ;

(b) No order affecting any question of right between private persons shall be reviewed except on the application of a party to the proceedings.

Application of the law of limitation.

11. Every application under Section 11 for a review of an order must be made within a period of three months from the date of the order provided that the Board may, in its discretion, extend such period in any case if the Board is satisfied that sufficient reasons exist for such extension

Power to make rules.

12. The Board may, with the previous sanction of the Government, from time to time, make rules for regulating generally the practice and procedure of the Board including rules as to the persons practising before the Board as to the time within which in the absence of any express provision in the relevant enactment appeals or applications for revision to the Board may be filed, and as to the cost of and incidental to any proceedings before the Board.

Administrative functions of the Board.

13. The Board shall in respect of all matters subject to its appellate or revisional jurisdiction have superintendence over all authorities in so far as such authorities deal with such matters and may do any of the following things, that is to say,—

(a) call for returns;

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings in respect of such matters; and

(c) prescribe forms in which books, entries and accounts shall be kept by such authorities:

Provided that such rules and forms shall not be inconsistent with the provisions of any law for the time being in force and shall require the previous approval of the Government.

Power to amend the schedules.

14. The Government may by notification in the Gazette amend, alter or add to the Schedules.

Power of Government to make rules.

15. The Government may make rules to carry out all or any purposes of this Act.

Repeal.

16. (1) The United State of Travancore and Cochin Board of Revenue Ordinance, XII of 1124, is hereby repealed.

(2) The repeal by this Act of the said Ordinance shall not affect the previous operation thereof, and any order made, action taken, or thing done in the exercise of any powers conferred by or under the said Ordinance shall for all purposes be deemed to have been made, taken or done in the exercise of powers conferred by this Act as if this Act had commenced on the 5th day of August 1949.

FIRST SCHEDULE.

A. TRAVANCORE ACTS.

Serial No.	*Powers and functions under.*	*Description.*
1	The Revenue Sum . ons Act, V of 1083	Revision under Section 9.
2.	The Revenue Recovery Act, I of 1068	Revision under Section 50.
3.	The Salt Act, III of 1083	Appeal under Section 78.
4.	The Sea Customs Act, V of 1088	Revision under Section 173.
5.	The Land Conservancy Act, IV of 1091	Appeal and revision under Section 14.
6.	The Markets Act, VII of 1092	Appeal and revision under Section 28.
7.	The Government Land Assignment Act, III of 1097	Revision under rules passed under the Act.

B. Cochin Acts.

1.	The Revenue Recovery Act, IV of 1083	Revision under Section 61.
2.	The Salt Act, V of 1083	Appeal under Section 41.
3.	The Sea Customs Act XII of 1100	Revision under Section 191.
4.	The Land Conservancy Act IV of 1086	Appeal and revision under Section 13.

SECOND SCHEDULE.

Departments over which the Board shall have administrative control.

1. Land Revenue including Survey, Settlement, Land Records and Land Acquisition.
2. Excise, Customs and Prohibition.
3. Income-Tax, both Agricultural and non-Agricultural.
4. Court of Wards.
5. Sales Tax.
6. Mines and Minerals.
7. Famine Relief

THIRD SCHEDULE.

Departments over which the Board shall have such control as is found necessary for co-ordinating their activities and increasing their efficiency.

1. Co-operation.
2. Panchayats, Village Unions, Village Uplift and Cottage Industries.
3. Fisheries.
4. Registration.

STATEMENT OF OBJECTS AND REASONS.

The Revenue Board Ordinance XII of 1124 will expire shortly and it is considered necessary to replace it by an Act of the Legislature. The Bill follows closely the provisions of the Ordinance.

T. K. Narayana Pillai.

THE UNITED STATE OF TRAVANCORE AND COCHIN PREVENTION OF CORRUPTION BILL, 19 .

Preamble. Whereas it is expedient to make more effective provision for the prevention of bribery and corruption; It is hereby enacted as follows:

Short title, extent and commencement.

1. (1) This Act may be called the United State of Travancore and Cochin Prevention of Corruption Act, 19 .

(2) It extends to the whole of the United State of Travancore and Cochin and it applies also to all servants of the Government of the United State of Travancore and Cochin in or outside the United State.

(3) It shall come into force at once.

Interpretation.

2. For the purposes of this Act "Public Servant" means—

First—every officer appointed by Government or under Government sanction;

Second—every servant appointed by Government or under Government sanction or by any Government officers under the authority conferred on them by any law for the time being in force;

Third—every member of the Legislative Assembly, every member of the Travancore or Cochin Devaswom Boards every member of a Municipal Council, every member of the Trivandrum City Corporation, every member of a Village Panchayat, every member of a Village uplift Committee, every member of a Village Union, every member of a Village Court, every office-bearer and every member of a Committee or Society and other body constituted under the law for the time being in force relating to Co-operative Societies and every member of any Committee constituted by Government:

Fourth—every servant of any institution under the control or management of Government; every officer or servant under the Travancore or Cochin Devaswom Boards and every officer or servant under a local authority;

Fifth—every Arbitrator or other person to whom any cause or matter has been referred for decision or report by any court of Justice, or any other competent public authority;

Sixth—every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;

Seventh—every person who has to perform any public duty.

Explanation (1) Wherever the words "public servant" occur they shall be understood of every person who is in actual possession of the situation of a public servant, whatever legal defect there may be in his right to hold that situation.

Explanation (2) The word "election" denotes an election for the purpose of selecting members of any legislative, municipal or other public authority of whatever character the method of selection to which is by or under any law prescribed as by election.

3. (1) An offence punishable under section 158 or section 157 of the Travancore Penal Code or section 147 or section 151 of the Cochin Penal Code shall be deemed to be a cognizable offence for the purposes of the Travancore and Cochin Codes of Criminal Procedure, notwithstanding anything to the contrary contained therein :

Offences under Sections 158 and 157 of the Travancore Penal Code or section 147 and 151 of the Cochin Penal Code to be cognizable offences.

Provided that a police officer not below the rank of Assistant Superintendent of Police shall investigate any such offence without the order of a Magistrate of the first class or make any arrest therefor without a warrant

(2) Notwithstanding anything contained in section 15 of the Travancore or Cochin Penal Codes, the term "public servant" shall, for the purposes of sections 158 and 157 of the Travancore Penal Code or sections 147 and 151 of the Cochin Penal Code have the meaning assigned to it under this Act.

Extension of the definition of "public servant."

4. Where in a trial of an offence punishable under section 158 or section 157 of the Travancore Penal Code or section 147 or section 151 of the Cochin Penal Code it is proved that an accused person has accepted or obtained, or has agreed to accept or attempted to obtain, for himself or for any other person any gratification (other than legal remuneration) or any valuable thing from any person it shall be presumed, unless the contrary is proved that he accepted or obtained, or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be as a motive or reward such as is mentioned in the said Section 158 or Section 147 or as the case may be without consideration or for a consideration which he knows to be inadequate :

Presumption where public servant accepts gratification other than legal remuneration.

Provided that the court may decline to draw such presumption if the gratification or thing aforesaid is in its opinion so trivial that no inference of corruption may fairly be drawn

5. (1) A public servant is said to commit the offence of criminal misconduct in the discharge of his duty :

Criminal misconduct in discharge of official duty.

(a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any gratification (other than legal remuneration) as a motive or reward such as is mentioned in Section 158 of the Travancore Penal Code or Section 147 of the Cochin Penal Code ; or

(b) if he habitually accepts or obtains or agrees to accept or attempts to obtain for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate, from any person whom he knows to have been, or to be or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with official functions of himself or of any public servant to whom he is subordinate or from any person whom he knows to be interested in or related to the person so concerned ; or

(c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do ; or

(d) if he, by corrupt or illegal means or by otherwise abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage.

(2) Any public servant who commits criminal misconduct in the discharge of his duty shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both.

(3) Notwithstanding anything contained in the Travancore or Cochin Code of Criminal Procedure, a Police Officer not below the rank of Assistant Superintendent of Police shall investigate any offence punishable under sub-section (2) without the order of a Magistrate of the First Class or make any arrest therefor without a warrant.

(4) No Magistrate inferior to that of a Magistrate of the First Class shall try an offence under this section.

Special rules of evidence.

6. In any trial or inquiry by a court into an offence punishable under sub-section (2) of section 5 or under section 153 or section 157 of the Travancore Penal Code or under section 147 or section 151 of the Cochin Penal Code, the fact that an accused person or any other person on his behalf is in possession for which the accused person cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income may be proved, and on such proof, the court shall presume, unless the contrary is proved, that the accused person is guilty of the offence of criminal misconduct in the discharge of his official duty under section 5 or of an offence under section 153 or section 157 of the Travancore Penal Code or section 147 or section 151 of the Cochin Penal Code, as the case may be, and his conviction therefor shall not be invalid by reason only that it is based solely on such presumption.

Special provisions regarding punishments.

7. (1) Notwithstanding anything to the contrary contained in the Travancore or Cochin Penal Code or the Travancore or Cochin Code of Criminal Procedure, relating to sentences and the powers of Courts to impose sentences, where any person is found guilty of an offence under section 5 or of an offence under section 153 or section 157 of the Travancore Penal Code or section 147 or section 151 of the Cochin Penal Code, as the case may be, the court convicting him shall impose on him in addition to any sentence of imprisonment or fine which it would otherwise have imposed, a further sentence of fine which shall not be less than the amount of money or value of other property, if any found by the Court to have been illegally procured by the offender or pass an order for the confiscation of property so illegally procured as in the circumstances of the case the court may think proper.

(2) In imposing the additional fine referred to in sub-section (1) the Court shall be competent notwithstanding any provisions to the contrary contained in the Travancore or Cochin Penal Code and the Travancore or Cochin Code of Criminal Procedure, to award a sentence of imprisonment in default of payment of such additional fine, provided that the total sentence of imprisonment in default of payment of the fine or fines, if any, does not exceed the substantive sentence awarded for the offence or where no such substantive sentence of imprisonment has been awarded, the maximum sentence of imprisonment prescribed for the offence.

(3) Where instead of passing an additional sentence of fine, the court orders the confiscation of property found to have been illegally procured by the offender, the property confiscated shall be dealt with in such manner as may be prescribed by Government in this behalf.

Public servants to furnish particulars of property on demand.

8. (1) Government or the Commission appointed under this Act may require any person who has been or is a public servant to furnish a true and correct statement of all property whether movable or immovable income and such other particulars in respect of his own property or income or of property or income by whomsoever such property or income may be held on behalf of the public servant concerned or of property or income of relations dependent on the public servant concerned, as may in the opinion of Government or of the Commission be necessary for the purposes of investigation or inquiry into offences under this Act or under section 153 or section 157 of the Travancore Penal Code or section 147 or section 151 of the Cochin Penal Code.

(2) Any such person who fails to furnish the information required under sub-section (1) or who furnishes information which he knows or has reason to believe to be false shall be punished with simple imprisonment for a term which may extend to one year or with fine or with both.

Institutions and persons to furnish particulars of property or transactions of public servants with them.

9. (1) Government or the Commission appointed under this Act may call upon any person whatsoever with whom a public servant is known or is believed in the opinion of Government or such Commission to be having or to have had financial or other transactions, to furnish in such form as may be prescribed by Government or the Commission, particulars of such financial or other transactions.

Such person, notwithstanding anything contained in the Bankers Books Evidence Act of Travancore or of Cochin, shall thereupon furnish within such time as may be specified by Government or the said Commission a true and correct statement embodying the particulars called for.

(2) Any Police officer or any other officer authorised in writing by Government or by the Commission may, for the purpose of verifying the correctness of any statement so furnished or for the purpose of investigation, enter on any premises belonging to such person, demand the production of the relevant books, papers or other documents and inspect them; and in the case of failure to produce the said books, papers or other documents or in cases in which no statement is furnished by the said person may search for and seize such books, papers or other documents as are believed to contain particulars of financial or other transactions called for under sub-section (1).

(3) Notwithstanding anything to the contrary contained in any law for the time being in force, Government may, if they are of opinion that it is expedient so to do for the purpose of securing the ends of justice, impose on any person such restrictions and conditions as Government may deem fit regarding the use or disposal of or dealings in any of the properties or other pecuniary resources of a public servant who is suspected of having committed any offence under this Act or under Section 153 or 157 of the Travancore Penal Code or Section 147 or 151 of the Cochin Penal Code.

(4) Any person who fails to furnish the particulars called for under sub-section (1) or fails to allow access for inspection of any books, papers or other documents, or to produce any books, papers or other documents for inspection, within the time prescribed by the Police officer or any other officer under sub-section (2) or disobeys any orders or directions under sub-section (3) shall be punishable with simple imprisonment for a term which may extend to one year or with fine or with both.

Explanation:—If the person contravening the provisions of this section is a company or other body corporate, every Director, Manager, Secretary or other Officer or Agent thereof shall, unless he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Powers of Commission or officer of anti-corruption measures.

10. (1) Government may appoint a Commission consisting of one or more persons for the more effective working of this Act and may confer on such Commission such powers as they may by rules prescribe.

(2) Government may appoint police officers under the Commission and may confer on such commission or any member thereof all the powers of a police officer of such rank as Government may deem fit.

Cognisance of offences by Courts.

11. Notwithstanding anything contained in the Travancore or Cochin Code of Criminal Procedure, no court shall take cognisance of an offence punishable under Section 153 or Section 157 of the Travancore Penal Code or Section 147 or Section 151 of the Cochin Penal Code or under sub-section (2) of Section 5 of this Act alleged to have been committed by a public servant except with the previous permission of Government or with the previous sanction of officers specially empowered by Government in this behalf.

Accused person to be competent witness.

12. Any person charged with an offence punishable under Section 153 or Section 157 of the Travancore Penal Code or Section 147 or Section 151 of the Cochin Penal Code or under sub-Section (2) of Section 5 shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that—

(a) he shall not be called as a witness except on his own request;

(b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;

(c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged or is of bad character unless—

(i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

(ii) he has personally or by his pleader asked questions of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or

(iii) he has given evidence against any other person charged with the same offence.

Bar against prosecution of officers acting under this Act.

13. No suit or prosecution or other legal proceeding shall lie against any person for any act done or purporting to be done by him under this Act, except with the sanction of Government.

Power to make rules.

14. Government may by notification in the Gazette make rules for carrying into effect the provisions of this Act.

Repeal.

15. (1) The Prevention of Corruption Ordinance, 1124, is hereby repealed.

(2) The repeal by this Act of the said Ordinance shall not affect the previous operation thereof, and any order made, action taken, or thing done, in the exercise of any powers conferred by or under the said Ordinance shall for all purposes be deemed to have been made, taken or done in the exercise of powers conferred by this Act as if this Act had commenced on the 5th day of August, 1949.

STATEMENT OF OBJECTS AND REASONS.

The Prevention of Corruption Ordinance, 1124, will expire shortly and it is deemed necessary to replace it by an Act of the Legislature. The Bill follows closely the provisions of the Indian Prevention of Corruption Act, II of 1947, on which the Ordinance has been based.

T. K. NARAYANA PILLAI.

A BILL TO MAKE PROVISION FOR THE CONTINUANCE OF THE PUBLIC SERVICE COMMISSION.

Preamble.

Whereas the United State of Travancore and Cochin Public Service Commission Ordinance, 1124 (Ordinance No. VI of 1124) expires on the 16th day of January, 1950. And Whereas the provisions in the Constitution of India relating to the Public Service Commissions in the States specified in Part B of the First Schedule to the said Constitution will come into force only on the 26th day of January, 1950. And Whereas it is necessary to provide for the continuance of the Public Service Commission and of the functioning thereof in the United State till the 26th day of January, 1950; It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the United State of Travancore and Cochin Public Service Commission (Continuance) Act, 1950.

(2). It extends to the whole of the United State.

(3) It shall come into force at once and shall continue to be in force till the 26th day of January, 1950.

Continuance of Public Service Commission.

2. Notwithstanding the expiry of the United State of Travancore and Cochin Public Service Commission Ordinance (Ordinance No. VI of 1124) on the 16th day of January, 1950. the Public Service Commission constituted under the said Ordinance shall continue till the 26th day of January, 1950, and function in the same manner and to the same extent and subject to the same conditions as heretofore.

STATEMENT OF OBJECTS AND REASONS.

The provisions regarding Public Service Commission for the States specified in Part B of the First Schedule to the Constitution of India is contained in Part XIV of the said Constitution which comes into force on the 26th of January, 1950. A Public Service Commission for the United State has now been constituted and is functioning under Ordinance No. VI of 1124. This Ordinance expires on the 16th of January 1950. It is necessary to provide for the continuance and functioning of the Public Service Commission during this short interval. Hence the Bill.

T. K. NARAYANA PILLAI.

THE COCHIN TEMPLE ENTRY AUTHORISATION PROCLAMATION (AMENDMENT) BILL.

Preamble.

WHEREAS it is deemed necessary to amend the Cochin Temple Entry Authorisation Proclamation, V of 1123, for the purposes hereinafter appearing; It is hereby enacted as follows :-

Short title and commencement.

1. This Act may be called the Cochin Temple Entry Authorisation Proclamation (Amendment) Act, 19...and it shall come into force at once.

Amendment of Section 2.

2. For clause (2) of Section 2 of the Cochin Temple Entry Authorisation Proclamation, V of 1123, hereinafter referred to as the Proclamation, the following shall be substituted, namely :—

"(2) "Temple" means a place, by whatever name known which is dedicated to, or for the benefit of, or used as of right by the Hindu community or any section thereof, as a place of public religious worship, and includes subsidiary shrines, as well as tanks appurtenant to the temple."

Deletion of sections 5 and 8.

3. Sections 5 and 8 of the Proclamation shall be deleted.

Amendment of Section 7.

4. In sub-section (1) of Section 7 of the Proclamation, for the words and figures "The Executive Authority appointed by Us under Section 50G of the Government of Cochin Act, XX of 1113" the words "The Cochin Devaswom Board" shall be substituted.

Repeal of Ordinance No. X of 1124.

5. The Cochin Temple Entry Authorisation Proclamation (Amendment) Ordinance, 1124 (Ordinance No. X of 1124) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

The Cochin Temple Entry Authorisation Proclamation, V of 1123, defined "temple" as a place which is dedicated to, or for the benefit of, or used as of right by the Caste Hindu community in general as a place of public religious worship. It was proposed to extend the scope of the definition of the term and throw open all temples used as a place of public religious worship by the Hindu community or any section of the Hindu community. The Sree Poornathrayeesan Temple at Trippunittura was excluded from the scope of the Proclamation by Section 8 and it was also proposed to remove this exemption. A Bill for this purpose had been introduced and was pending third reading in the Cochin Legislative Assembly on the eve of integration. Ordinance No X of 1124 was promulgated to give effect to these amendments. The Bill seeks to replace the Ordinance by an Act of the Legislature and also to vest the rule making power vested in the Executive Authority in the Cochin Devaswom Board.

T. K. NARAYANA PILLAI.

THE UNITED STATE OF TRAVANCORE AND COCHIN DRUGS (CONTROL) BILL.

A BILL TO PROVIDE FOR THE CONTROL OF THE SALE, SUPPLY AND DISTRIBUTION OF DRUGS.

Preamble.

WHEREAS it is necessary to provide for the control of the sale, supply and distribution of drugs in the United State;

It is hereby enacted as follows:—

Short title, extent and commencement.

1. (1) This Act may be called "the United State of Travancore and Cochin Drugs (Control) Act, 1125."

(2) It extends to the whole of the United State.

(3) It shall come into force at once.

Interpretation.

2. (1) In this Act, unless there is anything repugnant in the subject or context,—

(a) "dealer" means a person carrying on, either personally or through any other person, the business of selling any drugs, whether whole sale or retail;

(b) "drug" includes all medicines for internal or external use of human beings or animals, and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals, (other than medicines, and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine) in respect of which a declaration has been made under Section 3;

(c) "offer for sale" includes a reference to an intimation by a person of the price proposed by him for a sale of any drug, made by the publication of a price list, by exposing the drug for sale in association with a mark indicating price, by the furnishing of a quotation or otherwise howsoever;

(d) "producer" includes a manufacturer.

(2) A drug shall be deemed to be in the possession of a person—

(i) when it is held on behalf of that person by another person;

(ii) notwithstanding that it is mortgaged to another person.

Drugs to which this Act applies.

3. The Government may, by notification in the Gazette, declare any drug to be a drug to which this Act shall apply.

4. (1) The Government may, by notification in the Gazette, fix in respect of any drug—

Fixing of maximum prices and maximum quantities which may be held or sold.

(a) the maximum price or rate which may be charged by a dealer or producer ;

(b) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(c) the maximum quantity which may in any one transaction be sold to any person.

(2) The prices or rates and the quantities fixed in respect of any drug under this Section may be different in different localities or for different classes of dealers or producers.

5. No dealer or producer shall—

Restrictions on sale, etc., where maximum is fixed under Section 4.

(a) sell, agree to sell, offer for sale or otherwise dispose of to any person any drug for a price or at a rate exceeding the maximum fixed by notification under clause (a) of sub-section (1) of Section 4 ;

(b) have in his possession at any one time a quantity of any drug exceeding the maximum fixed by notification under clause (b) of sub-section (1) of Section 4; or

(c) sell, agree to sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (c) of sub-section (1) of Section 4.

6. (1) No person shall have in possession at any one time a greater quantity of any drug to which this section applies than the quantity necessary for his reasonable needs.

General limitation on quantity which may be possessed at one time.

(2) This section shall apply only to such drugs as the Government may, by order published in the Gazette, specify for the purpose:

Provided that nothing contained in this section, shall apply to a dealer or producer in respect of any brug sold or produced by him.

7. Any person having in his possession a quantity of any drug exceeding that permitted by or under this Act shall forthwith report the fact to the Government or other officer empowered in this behalf by the Government, and shall take such action as to the storage, distribution or disposal of the excess quantity as the Government may direct.

Duty to declare possession of excess stocks.

8. No dealer or producer shall, unless previously authorised to do so by the Government, without sufficient cause refuse to sell to any person any drug within the limits as to quantity, if any, imposed by this Act

Refusal to sell.

Explanation.—The possibility or expectation of obtaining a higher price for a drug at a later date shall not be deemed to be a sufficient cause for the purpose of this section.

9. (1) Every dealer or producer when selling any drug for cash shall, if the amount of the purchase is five rupees or more, in all cases, and, if the amount of the purchase is less than five rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

Cash memorandum to be given of certain sales.

(2) The Government may, by notification in the Gazette, prescribe the particulars to be contained in any such cash memorandum.

(3) The Government may, by notification in the Gazette, exempt specified areas, classes of dealers or producers, or classes of drugs from the operation of this section.

10. (1) The Government may direct dealers or producers in general or any dealer or producer in particular, to mark any drug exposed or intended for sale with the sale prices or to exhibit on the premises a price list of drugs held for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

Marking of prices and exhibiting price list.

(2) No dealer shall destroy, efface or alter any label or mark affixed to a drug and indicating the price marked by a producer.

11. Where a dealer or producer makes an offer to enter into a transaction for a consideration to be given as a whole in respect both of a sale of any drug and of some other matter, the dealer or producer making the offer shall state in writing the price which he assigns to that drug, if he is required to do so by any person to whom the offer is made, and the offer shall be deemed for the purposes of this Act to be an offer to sell that drug at the price so stated.

Obligation to state price separately on composite offer.

12. (1) If in the opinion of the Government it is necessary or expedient so to do, they may, by order in writing—

Prohibition of sale etc. and requisitioning of drugs.

(a) prohibit the disposal of any drug except in such circumstances and under such conditions as may be specified in the order;

(b) direct the sale of any drug to any such dealer or class of dealers and in such quantities as may be specified in the order;

(c) requisition any drug (whether at the place of import or at any other place);

and make such further orders as appear to them to be necessary or expedient in connection with any order issued under this sub-section.

(2) Where the Government have requisitioned any drug under sub-section (1), they may use or deal with the drug in such manner as may appear to them to be expedient, and may acquire it by serving on the owner thereof or, where the owner is not readily traceable or the ownership is in dispute, by publishing in the Gazette a notice stating that the Government have decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the drug or published in the Gazette under sub-section (2), then at the beginning of the day on which the notice is so served or published, the drug shall vest in the Government free from any encumbrance and the requisition thereof shall be deemed to have ended.

(4) Wherever in pursuance of this section the Government requisition or acquire any drug, the owner thereof shall be paid such compensation as the Government may, by rules prescribe.

(5) The Government may, with a view to requisitioning any drug under sub-section (1) or determining the compensation payable under sub-section (4), by order—

(a) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the drug as may be so specified;

(b) direct that the owner of the drug shall not, without the permission of the Government, dispose of it till the expiry of such period as may be specified in the order.

13. Penalties. (1) Whoever contravenes any of the provisions of this Act or of any direction made under authority conferred by this Act shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(2) A Court convicting any person of any offence punishable under this Act may order that the whole or any part of the stock of drugs in respect of which the offence was committed shall be forfeited to the Government.

(3) It shall be a defence for a person charged with a contravention of any of the provisions of this section to prove that, in relation to the matter in respect of which he is charged, he acted in the course of his employment as a servant or agent of another person on the instructions of his employer or some other specified person.

14. Offences by corporation. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission be deemed to be guilty of such offence.

15. (1) No person other than a police officer of or above the rank of an Inspector of Police or an officer not below the rank of an Inspector of Police authorised in this behalf by the Government by notification in the Gazette, shall investigate any offence under this Act.

Procedure.

(2) No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the District Magistrate.

16. Any person competent to investigate any offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being committed, and taken possession of any stock of drugs in respect of which the offence has been or is being committed.

Powers of search and seizure.

17. (1) The Government may make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.—

(a) the maintenance by dealers and producers generally, or by any dealer or producer in particular, of records of all sale and purchase transactions made by them;

(b) the furnishing of any information as may be required with respect to the business carried on by any dealer or producer;

(c) the inspection of any books of account or other documents belonging to or under the control of any dealer or producer;

(d) the compensation which shall be payable under Section 12 and the manner in which such compensation shall be determined.

18. No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

19. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt with in this Act.

Saving of other laws.

20. The Drugs (Control) Ordinance, 1125 is hereby repealed.

Repeal.

STATEMENT OF OBJECTS AND REASONS.

The control over the sale supply and distribution of drugs is now governed by the Drugs (Control Ordinance 1125). This Ordinance will cease to be in operation after the 4th March 1950. Government consider that the control over the sale etc., of drugs should be continued and that therefore the provisions contained in the Ordinance should be embodied in a Bill and passed by the Legislature. Hence the Bill.

T. K. NARAYANA PILLAI.

എൽ. എ. ബിൽ നം./ ൽ

പരസ്യം.

നിയമസഭാ ചട്ടങ്ങളിൽ ൨൬-ാം ചട്ടം അനുസരിച്ചു സ്പീക്കർ അനുവദിച്ചതിൻപ്രകാരം താഴെ കാണുന്ന ബിൽ ഉദ്ദേശകാരണവിവരണത്തോടുകൂടി പ്രസിദ്ധപ്പെടുത്തിയിരിക്കുന്നു.

നിയമസഭാ ആഫീസ്,
തിരുവനന്തപുരം,
൧൧൨൮ ജനുവരി ൨൦-ാം.

വി. കുഞ്ഞുകൃഷ്ണപിള്ള,
നിയമസഭാസെക്രട്ടറി.

തിരുവിതാംകൂർ ഡിസ്ത്രിക്ട് മുനിസിപ്പാലിറ്റി (കൗൺസിലർമാരുടെ ഉദ്യോഗകാലാവധിനീട്ടൽ) ബിൽ.

പീഠിക. ൧൧൨൮ മേടം ആദ്യദിവസം തിരുവിതാംകൂറിലെ മുനിസിപ്പൽ കൗൺസിലുകളിലെ കൗൺസിലർമാരുടെ ഉദ്യോഗ കാലാവധി അവസാനിക്കുന്നതുകൊണ്ടും;

മുനിസിപ്പൽ തിരഞ്ഞെടുപ്പുകൾ പ്രായപൂർത്തിവോട്ടവകാശ അടിസ്ഥാനത്തിൽ നടത്തുന്നതു യുക്തമാണെന്നു കരുതുന്നതുകൊണ്ടും;

മേൽപ്രസ്താവിച്ചപോലെ തിരഞ്ഞെടുപ്പുകൾ നടത്തുന്നതിനുള്ള ഏർപ്പാടുകൾ ചെയ്യുന്നതുവരെ ഇപ്പോഴത്തെ കൗൺസിലുകളുടെ കാലാവധി നീട്ടുന്നതാവശ്യമാണെന്നു ഗണിക്കുന്നതുകൊണ്ടും;

ഇതിനാൽ താഴെകാണുംപ്രകാരം നിയമപ്പെടുത്തുന്നു:—

ചുരുക്കപ്പേരും വ്യാപ്തിയും ആരംഭവും. ൧. (൧) ഈ ആക്റ്റിനു ൧൧൨൮-ലെ തിരുവിതാംകൂർ ഡിസ്ത്രിക്ട് മുനിസിപ്പാലിറ്റി (കൗൺസിലർമാരുടെ ഉദ്യോഗകാലാവധി നീട്ടൽ) ആക്റ്റ് എന്നു പേർ പറയാവുന്നതാകുന്നു.

(൨) തിരുവിതാംകൂർ കൊച്ചി ഐക്യസംസ്ഥാനത്തിന്റെ ൧൧൨൪-ൽ ഇടവം ആദ്യദിവസത്തിനുമുമ്പ് തിരുവിതാംകൂർ സംസ്ഥാനമായിരുന്ന പ്രദേശം മുഴുവൻ ഇതു വ്യാപിക്കുന്നതാണ്.

(൩) ഇത് ൧൧൨൮ മേടം ആദ്യദിവസം പ്രാബല്യത്തിൽ വരുന്നതാണ്.

മുനിസിപ്പൽ കൗൺസിലർമാരുടെ ഉദ്യോഗകാലാവധിനീട്ടൽ. ൨. ൧൧൨൮-ലെ നാലാമതും ൧൧൨൧-ലെ ൧൭-ാമതും ആക്റ്റുകളാൽ ഭേദപ്പെടുത്തിയതും, ൧൧൨൪-ലെ ൧-ാം അടിയന്തിരനിയമംകൊണ്ടു കൂടെ ഉൾപ്പെടുത്തിയിരിക്കുന്നതുമായ ൧൧൧൬-ലെ തിരുവിതാംകൂർ ഡിസ്ത്രിക്ട് മുനിസിപ്പാലിറ്റി ആക്റ്റ് (൧൧൧൬-ലെ ൨൩-ാം ആക്റ്റ്) വ്യവസ്ഥകളിൽ വിപരീതമായി എന്തുതന്നെ അടങ്ങിയിരുന്നാലും തിരുവിതാംകൂറിലെ മുനിസിപ്പൽ കൗൺസിലുകളിലെ തിരഞ്ഞെടുക്കപ്പെട്ടവരോ നിയമിക്കപ്പെട്ടവരോ ആയ ഇപ്പോഴത്തെ കൗൺസിലർമാരുടെ ഉദ്യോഗകാലാവധി ൧൧൨൯ മേടം ആദ്യദിവസംവരെ തുടരുന്നതും അന്നു മദ്ധ്യാഹ്നത്തിൽമാത്രം അവസാനിക്കുന്നതും ആകുന്നു.

ഉദ്ദേശകാരണ വിവരണം.

൧൧൧൬-ലെ തിരുവിതാംകൂർ ഡിസ്ത്രിക്ട് മുനിസിപ്പാലിറ്റി ആക്റ്റ് അനുസരിച്ച് രൂപീകൃതമായ ഇപ്പോഴത്തെ മുനിസിപ്പൽ കൗൺസിലുകളുടെ നിയമപ്രകാരമുള്ള കാലാവധി ൧൧൨൮ മേടം ഒന്നാംതീയതി അവസാനിക്കുന്നതാണ്. ൧൧൨൭-ൽ

പുതിയ കൗൺസിലുകൾ രൂപവൽക്കരിക്കണമെങ്കിൽ പുതിയ തിരഞ്ഞെടുപ്പുകൾ നേരത്തെ നടത്തേണ്ടിയിരിക്കുന്നു. മുനിസിപ്പലും മററു പ്രാദേശിക സമിതികളും അല്ലാതുള്ള പ്രാദേശിക സമിതികൾക്കു ലെവിയിലുള്ള തിരഞ്ഞെടുപ്പുകൾ സാർവ്വത്രികമായ പ്രായപൂർത്തി വോട്ടവകാശത്തിന്മേൽ ആയിരിക്കണം എന്ന് ആവശ്യപ്പെടുന്നുണ്ട്. കൊച്ചിയിൽ ഇതുവരെ മുനിസിപ്പൽ ചെയർമാന്റെ തിരഞ്ഞെടുപ്പും മറ്റും, നിയമസഭാ തിരഞ്ഞെടുപ്പുകളുടെ കാര്യത്തിലും അംഗീകരിച്ചിട്ടുണ്ട്. ഈ അടിസ്ഥാനത്തിൽ തിരഞ്ഞെടുപ്പുകൾ നടത്തുന്നതിനാവശ്യമായ ഏർപ്പാടുകൾ ചെയ്യാനുള്ള സൗകര്യത്തിനായി ഇപ്പോഴത്തെ കൗൺസിലുകളുടെ കാലാവധി ഒരുകൊല്ലത്തേക്കു നീട്ടുന്നതു ആവശ്യമാണെന്നു കരുതുന്നു. അതുകൊണ്ടു ഈ ബില്ല് അവതരിപ്പിക്കുന്നു.

കെ. അയ്യപ്പൻ.

(A true translation)

K. DAMODARAN,
Head Translator to Government.

எல். ஏ. 4, 493/49. விளம்பரம்.

சட்ட நிர்மாண அஸெம்பிளி விதிகளிலே 25-வது விதியின்படி அடியிற்காணும் மசோதாவானது உத்தேச காரண விவரங்களுடன் சபாநாயகரது ஆணைக்கிணங்க பிரசுரிக்கப்பட்டிருக்கிறது.

சட்ட நிர்மாண அஸெம்பிளி ஆபீஸ்,
திருவனந்தபுரம்,
1950 ஜனவரி, ..ம் தேதி.

ஸி. கிருஷ்ணமூர்த்தி அய்யர்,
சட்டநிர்மாண அஸெம்பிளி
செக்ரட்டரி.

திருவிதாங்கூர் டிஸ்டிரிக்ட் முனிஸிப்பாலிட்டிகள் (கவுன்ஸிலர்களின் உத்தியோக கால அளவை நீட்டுவது) குறித்த மசோதா.

பீடிகை.

1125 சித்திரை 1-ம் தேதியன்று திருவிதாங்கூர் முனிஸிப்பல் கவுன்ஸில்களிலுள்ள கவுன்ஸிலர்களின் உத்தியோக கால அளவு தீர்வதினாலும்,

வயது வந்தோருக்கு வாக்குரிமை என்ற அடிப்படையின் மேல் முனிஸிப்பல் தேர்தல்களை நடத்துவது யுக்தமெனக் கருதுவதினாலும்,

மேற்கூறியது போல் தேர்தல்கள் நடத்துவதற்கு ஏற்பாடுகள் செய்யும் வரையும் தற்போதுள்ள கவுன்ஸிலர்களின் கால அளவை நீட்டுவது அவசியமென்று கருதுவதினாலும்,

இதனால் அடியிற்காணுமாறு விதிக்கப்படுகிறது:—

சுருக்கமான பெயரும் வியாபகமும் வழக்கத் தொடக்கமும்.

1. (1) இந்த ஆக்டை 1125-ம் ஆண்டத்திய திருவிதாங்கூர் டிஸ்டிரிக்ட் முனிஸிப்பாலிட்டிகள் (கவுன்ஸிலர்களின் உத்தியோக கால அளவை நீட்டுவது) குறித்த ஆக்ட் என்று சொல்லலாம்.

(2) திருவிதாங்கூர்-கொச்சி ஐக்கிய சமஸ்தானத்தில் 1949 ஜூலை 1-ம் தேதிக்கு முன் திருவிதாங்கூர் சமஸ்தானமாயிருந்த பிரதேசம் முழுவதும் இது வியாபிக்கிறது.

(3) இது 1125 சித்திரை 1-ம் தேதியன்று அமுலுக்கு வரவேண்டும்.

முனிஸிப்பல் கவுன்ஸிலர்களின் உத்தியோக கால அளவை நீட்டுவது.

2. 1120-ம் ஆண்டத்து 3-வது ஆக்டாலும் 1121-ம் ஆண்டத்து 17-வது ஆக்டாலும் திருத்தப்பெற்றதும், 1124-ம் ஆண்டத்து 1-வது அவசரச்சட்டத்தின்படி தொடர்ந்து அமுலிலிருப்பதுமான 1116-ம் ஆண்டத்து திருவிதாங்கூர் டிஸ்டிரிக்ட் முனிஸிப்பாலிட்டிகள் குறித்த ஆக்ட் (1116-ம் ஆண்டத்து 23-வது ஆக்ட்) 8-வது வகுப்பில் விரோதமாக என்ன சொல்லியிருந்தபோதிலும் பாதகமில்லாமலே, திருவிதாங்கூர் முனிஸிப்பல் கவுன்ஸில்களிலுள்ள தற்போதைய கவுன்ஸிலர்களைத் தேர்ந்தெடுத்திருந்தாலும் சரி நியமித்திருந்தாலும் சரி அவர்களுடைய உத்தியோக கால அளவு 1126 சித்திரை 1-ம் தேதி மத்தியான்னம் வரையில் தொடர்ந்து அன்று மத்தியான்னத்திலேயே தீரவேண்டும்.

உத்தேச காரண விவரணம்

1116-ம் ஆண்டத்திய திருவிதாங்கூர் டிஸ்ட்ரிக்ட் முனிஸிப்பாலிட்டிகள் குறித்த ஆக்டின்படி அமைக்கப்பட்ட தற்போதைய முனிஸிப்பல் கவுன்ஸில்களின் சட்டப்பூர்வமான கால அளவு 1125 சித்திரை 1-ம் தேதியன்று தீரும். 1-9-1125-ம் தேதியன்று புதுக் கவுன்ஸில்களை அமைக்க வேண்டுமெனில் தேர்தல்கள் சீக்கிரம் நடத்தவேண்டியிருக்கிறது. முனிஸிப்பல் சபைகளும், ஸ்தல பிரதேச அதிகார சபைகளும் அந்தப் பிரதேச சபைகளுக்குள்ள பொதுத்தேர்தல்களை வயது வந்தோர் அனைவருக்கும் வாக்குரிமை என்ற அடிப்படையின் மேல் நடத்தவேண்டுமென்று கோருகின்றன. கொச்சியில் இக்கொள்கை முனிஸிப்பல், பஞ்சாயத்து தேர்தல்களுக்கும் சட்ட நிர்மாண அசெம்பிளித் தேர்தல்களுக்கும் அனுசரிக்கப்பட்டிருக்கிறது. இந்த அடிப்படையின் மேல் தேர்தல் நடத்துவதற்கு வேண்டிய ஏற்பாடுகள் செய்வதற்கு ஆவசியமாய் தற்போதைய கவுன்ஸில்களின் கால அளவை ஒரு வருஷத்துக்கு நீட்டுவது உசிதமெனக் கருதப்படுகிறது. ஆகவே இம்மசோதா.

K. அய்யப்பன்.

(A true translation)

K. Damodaran,
Head Translator to Government.

No. LD3-24/49/Law. 4th January 1950.

NOTIFICATION.

In pursuance of sub-rule (2) of Rule 98 of the Cochin Legislative Assembly Electoral Rules 1128, as continued in force by the United State of Travancore, and Cochin Bye-election Ordinance (No. III of 1124), Government hereby notify that Sri. Kizharayil Kunjuraman Kesavan has been elected for the general constituency No. 26 Poomangalam.

(൧൧൨൪-ലെ ൩-ാംനമ്പരായ) തിരുവിതാംകൂർ കൊച്ചി ഐക്യസംസ്ഥാന ഉപതിരഞ്ഞെടുപ്പ് അടിയന്തിരനിയമംമൂലം ഉജ്ജീവിതത്തിൽ ഇരിക്കുന്ന ൧൧൨൮-ലെ കൊച്ചി നിയമസഭാതിരഞ്ഞെടുപ്പുചട്ടങ്ങളിൽ, ൯൮-ാം ചട്ടം (൨)-ാം ഉപചട്ടമനുസരിച്ച്, പൂമംഗലം ൨൬-ാം നമ്പർ പൊതുനിയോജകമണ്ഡലത്തിലേക്ക് ശ്രീ. കിഴറായിൽ കുഞ്ഞുരാമൻ കേശവനെ തിരഞ്ഞെടുത്തിരിക്കുന്നുവെന്ന് ഗവർമ്മെണ്ട് ഇതിനാൽ പരസ്യപ്പെടുത്തുന്നു.

By order,

JOHN SAMUEL,
Secretary to Government

TRIVANDRUM:
PRINTED BY THE SUPERINTENDENT, GOVERNMENT PRESS.
1950